

DETAILED ACTION

This office action is responsive to amendment filed on 08/17/2011.

Response to Amendment

The Examiner has acknowledged the amended claims 3, 34, and the submission of new claims 37 – 38.

Response to Arguments

Applicant's arguments filed on 08/17/2011 have been fully considered but they are not persuasive.

Regarding Applicant's argument (pages 8 – 9) that Roberts' user applet 22 and service applet 30, however, are not used to automatically execute a second connection request after a predetermined time interval as claimed in claim 3. Accordingly, Applicants respectfully submit that because neither Bhoj nor Roberts teaches or suggests each feature of the server of claim 3, including the foregoing features, claim 3 is patentable over the cited art.

The Examiner respectfully disagrees with Applicant's assertion because Robert discloses that turning now to the service applet 30, the service applet 30 can comprise one or more applets each adapted to provide the second computer 24 with different functionality. The service applet 30 at minimum must provide the second computer 24 with the ability to communicate with the server 20. Again, the server 20 can download the service applet 30 in real time to the second computer 24 during the session. The

service applet 30 shares much of the object model with the user applet 22, as previously described, to enable implementation of the system 10 in a distributed environment. One implementation uses a proprietary interface definition language to communicate session information between applets 22, 30 and the server 20 based on a polling model, while another is based on event notification. Thus, the service applet 30 and the user applet 22 enable the user computer 12 and the second computer 24 to bi-directionally communicate over the network 16 (col. 10, lines 21 – 37).

In response to Applicant's argument (pages 8 – 9) that Further, Roberts' applet 22 and service applet 30 are clearly not "transmit[ted] ... to the first client in response to the refusal to grant the first connection request" as claimed herein.

The Examiner respectfully disagrees with Applicant's argument because Roberts discloses that there is a bi-directional communication between the two applets.

Roberts further discloses that once the user computer 12 accesses the server 20 utilizing the browser 18, the server 20 **transmits** to the user computer 12 a user applet 22. The user applet 22 is adapted to enable the user computer 12 to communicate through the network 16 with the server 20. A service applet 30 is disposed on the second computer 24 to enable the second computer 24 to communicate with the server 20. The service applet 30 can either **be transmitted** to the second computer 24 by the server 20 or be disposed thereon. After the user computer 12 receives the user applet 22, the second computer 24 is notified that a link is established, and that a session can be established between the user computer 12 and the second computer 24. When the

session is established, users of the user computer 12 and the second computer 24 can visually communicate (see col. 7, lines 35 – 49).

*Roberts also discloses that the system 10 has at least one queue, where each queue contains one or more call requests from user computers (**claimed in response to the refusal to grant the first connection request**). In the simplest implementation, when a user computer 12 links to the server 20, the server 20 places a call request from the user computer 12 in the queue in the order the server 20 received the request (col. 14, line 66 through col. 15, line 7). The connection request is being placed in a queue when such request connection is being refused to be granted.*

Thus, the Examiner contends that the combination of Bhoj and Roberts do read on the claimed language.

Applicants are interpreting the claims very narrow without considering the broad teaching of the combined references to meet the claimed language. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:

The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it

would be interpreted by one of ordinary skill in the art." In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).

In view of such, the rejection is as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 5, 27 – 36, and 38 are rejected under 35 U.S.C 103(a) as being anticipated by Bhoj et al. US Patent No. 6,742,016) in view of Roberts et al. (US Patent No. 6,754,693).

Bhoj teaches an invention as claimed including a method for accepting requests for a network application (see abstract).

Roberts teaches a method for connecting to a server and fulfilling a request based on queue (see abstract).

As per claim 3, Bhoj teaches a server for accepting connection requests from client terminals through a network, comprising:

a connection-order setting unit [priority control module 61] which, upon receiving a first connection request from a first client terminals, and in response to a refusal to grant the first connection request, of said client terminals, sets an order of connection for said first client terminal (column 3, lines 58-67; column 4, lines 1-2; col. 6, lines 1 - 47); and

a connection managing unit [queuing module 62 and classification module 63] for allowing connection of said client terminals according to said order of connection, upon receiving a second connection request from the first client terminal of said client terminals after said first connection request (column 4, lines 16-26).

Bhoj teaches substantially all the limitations, but fails to specifically teach that the connection managing unit transmits a program to the first client in response to the refusal to grant the first connection request, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval.

However, Roberts shows that the connection managing unit transmits a program to the first client in response to the refusal to grant the first connection request, wherein the first client terminal executes the program, and wherein execution of the program by the first client terminal causes the second connection request to be automatically executed again by the first client terminal after a predetermined time interval [customer informed of the time can expect to be on-hold; column 1, lines 40-50; the calls are routed using various methods, such as...time of call, number of request presently in

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queue, among other items; column 5, lines 20-32; calls routed to a queue; column 15, lines 8-21, lines 61-67] and (column 7, lines 35 – 49; column 10, lines 7-38; column 16, lines 40-67; *Roberts discloses that after the user computer 12 receives the user applet 22, the second computer 24 is notified that a link is established, and that a session can be established between the user computer 12 and the second computer 24. When the session is established, users of the user computer 12 and the second computer 24 can visually communicate*).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display and time of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue through the server (Roberts, column 15, lines 62-63).

As per claim 4, Bhoj teaches the accepting server according to claim 3. Bhoj does not teach wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal; and

said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server.

Roberts teaches the accepting server according to claim 3, wherein data of said order of connection set by said connection-order setting unit is transmitted to said first client terminal (client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10); and

said first client terminal is caused to display connection-order information, based on said data client is notified of queue by the server; column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1-10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue through the server (Roberts, column 15, lines 62-63).

As per claim 5, Bhoj teaches the accepting server according to claim 3, further comprising a connection-number monitoring unit [acceptor 53] for monitoring a number of connectable client terminals, wherein said connection managing unit allows connection of one of said client terminals which is highest in said order of connection, after acceptance of connection of a new client terminal has become possible, based on a number of connectable client terminals obtained by said connection-number monitoring unit (the parameter K is used to determine the number of requests sent to the queue; column 6, lines 40-67; column 7, lines 1-67).

As per claim 27, Bhoj teaches the accepting server according to Claim 3, further comprising: a maximum-connection-number setting counter for setting a maximum number of connections that can be connected simultaneously to the server (the look ahead parameter, Kmax is set; column 6, lines 48-67);

a connection-number counter for indicating a number of client terminals connected to the server (counting the number of requests received by the server; column 6, lines 4-39); and

a connectable-number counter for indicating a number of client terminals that can be connected to the server (the acceptor keeping track of the number of requests received; column 7, lines 51-67).

As per claim 28, Bhoj teaches the accepting server according to Claim 27, wherein the connection managing unit is configured to allow connection of one of the client terminals which is highest in the order of connection, after acceptance of connection of a new client terminal has become possible, based on the number of connectable client terminals indicated by the connectable-number counter (if there is space available in the premium queue, requests from the basic queue are sent; column 8, line 24-50).

As per claim 29, Bhoj teaches the accepting server according to Claim 28, wherein the connection managing unit is configured to allow the connection when the number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1- 47).

As per claim 30, Bhoj teaches the accepting server according to Claim 27, further comprising: a connection queue data holding section [priority queue 57]; and a connection-right acquired pool section [premium queue 57a].

As per claim 31, Bhoj teaches the accepting server according to Claim 30, wherein the connection managing unit is configured to allow the connection when the

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number of connectable client terminals indicated by the connectable-number counter is at least one (column 6, lines 1- 47); and wherein the connection managing unit is configured to not allow the connection when the number of connectable client terminals indicated by the connectable-number counter is less than one (column 6, lines 1-47).

As per claim 32, Bhoj teaches the accepting server according to Claim 31, wherein the connection managing unit is configured to issue a reference number to the client terminal whose connection is not allowed, the reference number indicating connection priority to the client terminal, and wherein the connection managing unit is configured to add the reference number to a connection queue in the connection queue data holding section (column 9, lines 1-49).

As per claim 33, Bhoj teaches the accepting server according to Claim 32. Bhoj does not teach wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal. Roberts teaches wherein the connection managing unit is configured to send data associated with the reference number back to the client terminal (see column 14, lines 49-60; column 15, lines 8-20; column 15, lines 61-67; column 16, lines 1- 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the connection priority of Bhoj with the display of Roberts. A person of ordinary skill in the art would have been motivated to do this so the user can receive status regarding its position in the queue through the server (Roberts, column 15, lines 62-63).

As per claim 34, Bhoj teaches the accepting server according to claim 32, wherein the connection managing unit is configured to determine if there is a connection queue in the a connection queue data holding section, upon receipt of a notification to release a right of connection (priority queues 57 and acceptor 53; column 9, lines 20-65).

As per claim 35, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to decrement the number in the connection-number counter by one, in the case there is no connection queue (column 8, lines 24-62).

As per claim 36, Bhoj teaches the accepting server according to claim 34, wherein the connection managing unit is configured to transfer a reference number, highest in priority order, to the connection-right acquired pool section, in the case there is a connection queue (column 8, lines 24-62).

As per claim 38, Bhoj teaches the accepting server according to claim 32, wherein a value of the predetermined time interval is determined based on the connection priority (col. 6, lines 16 – 63; col. 9, lines 20 – 49).

Claim 37 is rejected under 35 U.S.C 103(a) as being anticipated by Bhoj et al. (US Patent No. 6,742,016) in view of Roberts et al. (US Patent No. 6,754,693), and further in view of Ditmer et al (US 6,473,407; hereinafter Ditmer).

As per claim 37, Bhoj and Roberts teach all the limitations in claim 32, but fails to specifically teach issuing the reference number as a cookie.

However, Ditmer shows (see figs. 11a; 11b; col. 23, lines 18 - 49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bhoj and Roberts by issuing a cookie as the reference number as evidenced by Ditmer for the purpose of determining the validity of the connection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alam et al (US 2005/0149760) discloses methods and systems for preventing socket flooding during denial of service attacks (see paragraphs [0041 – 0042]).

Chang et al (US 5,941,948) discloses an admission controller for network access.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457

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